



NOV 18 2013

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 13 2013

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Robert A. Bilott
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, OH 45202-3957

Dear Mr. Bilott:

Thank you for your letters dated April 8, 2013 and July 26, 2013 in which you comment on the final "MOU Phase III – Future Work Plan Data Assessment" that DuPont submitted to the U.S. Environmental Protection Agency (EPA) on November 6, 2012.

On November 3, 2005, EPA and DuPont signed a Memorandum of Understanding (MOU) for a perfluorooctanoic acid (PFOA) site-related environmental assessment program concerning monitoring at the Washington Works facility in Parkersburg, WV. The MOU is a publicly negotiated, voluntary agreement among EPA, industry, and interested parties, where signing parties voluntarily agree to generate data and submit those data to EPA on a specified schedule.

The MOU with DuPont was developed to characterize releases from the Washington Works manufacturing facility and the extent to which PFOA is present in air, water, soils, sediments, biota, wastewater, waste streams, landfills, land, farms, and discharges. In the MOU, DuPont agreed to provide EPA with monitoring data near the Washington Works site, which would then be reviewed by an independent Third Party Scientific Peer Consultation Group (PCG). The final PCG report, published on July 15, 2009 concluded that additional monitoring data are needed to fully address the "Charge" as defined in the MOU. As you pointed out in your letter, EPA agreed with PCG that DuPont's monitoring in Phase III did not fully meet the Charge as defined in the MOU. EPA's comments on the additional monitoring needs are described in the March 3, 2010 letter to DuPont (EPA-HQ-OPPT-2004-0113-0494). Although the PCG and the EPA believe additional data would have provided for a more thorough characterization of releases near the Washington Works site, EPA is not in the position to require DuPont to conduct additional monitoring.

Since the development of the MOU in 2005, EPA has undertaken numerous other actions to reduce exposure to long-chain perfluorinated chemicals. The Agency's efforts have led to the development of the 2010/2015 PFOA Stewardship Program where eight companies have committed to phase out manufacturing of long-chain perfluorinated chemicals by end of 2015, development of safer alternatives, and a recent publication of a significant new use rule requiring

companies to report all new uses of long-chain perfluoroalkyl carboxylates (LCPFAC) as part of carpets and their intent to import carpets containing these substances. In addition, DuPont has committed to no longer make, buy, or use PFOA after 2013, including at the Washington Works facility. EPA will continue working with companies, including DuPont, through EPA's New Chemicals Program and other efforts by the Agency, such as the ongoing work in EPA's Office of Water, to obtain the additional data that will improve the Agency's understanding of the potential risk to human health and the environment from these chemicals.

Again, thank you for your letter and interest in our activities. If you have additional questions, please contact Toni Krasnic (krasnic.toni@epa.gov; 202-564-0984).

Sincerely,

A handwritten signature in dark ink, appearing to read "Maria J. Doa", with a long horizontal flourish extending to the right.

Maria J. Doa, Ph.D
Director
Chemical Control Division